

Procedure for Section 11 Notices

August 2014

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<u>Document 1</u>	Section 11 notice RSL/private landlord
<u>Document 2</u>	Section 11 notice-Creditor
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<u>Document 4</u>	First contact RSL
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<u>Document 8</u>	Information sharing consent form

1. Background

- 1.1 Prevention of homelessness has been identified by the Scottish Government and COSLA as one of four key joint priorities that will enable local authorities to address homelessness. The duty on landlords and creditors under Section 11 can play a crucial part in these prevention activities.
- 1.2 The aim of placing a duty on landlords and creditors to inform the relevant local authority when they raise action is to ensure that local authorities are alerted to households at risk of homelessness at an early stage. Local authorities may be able to respond on an individual basis to prevent homelessness occurring, and the information contained in the notices can also help inform strategic planning of prevention and homelessness services.
- 1.3 Scottish Government guidance makes it clear that Section 11 is not intended to be a barrier to eviction or ejection and should not prolong any dispute between a landlord and tenant or a creditor and owner. However, notification of the commencement of eviction or ejection proceedings to the local authority means the council may be able to help resolve the dispute to the satisfaction of all parties.
- 1.4 The Moray Council will use Section 11 notifications as an early intervention mechanism to work with people who are at risk of homelessness through eviction or repossession.

2. Legal provisions

- 2.1 The Moray Council will comply with legal requirements as contained in the Homelessness etc (Scotland) Act 2003 and all associated legislation relevant to the implementation of Section 11.

Section 11 of the Homelessness etc (Scotland) Act 2003 came into force on 1 April 2009. This part of the Act requires all landlords (other than local authorities) and creditors to notify the relevant local authority when they raise possession proceedings or serve other eviction type action notices.

2.2 The landlords and creditors that will be required to submit Section 11 notices include:

- Private sector landlords;
- Registered Social Landlords (Housing Associations); and
- Mortgage providers (Banks and Building Societies).

Section 11 notices received from the Defence Infrastructure Organisation Operations Accommodation (formerly Defence Housing Executive) should be recorded and processed as notification by a private landlord.

2.3 The Act states that:

Where a landlord raises proceedings for possession of a dwellinghouse, the landlord must give notice of the raising of the proceedings to the local authority in whose area the dwellinghouse is situated, unless the landlord

- (a) is the local authority, or
- (b) is required to give such notice to the local authority under any other enactment.

2.4 The Scottish Government has no direct sanctions against non-compliance with the duties under Section 11. Courts are not obliged to check whether the landlord or creditor has followed the procedure under Section 11 and this is not necessarily a reason for withholding a decree.

2.5 The Scottish Government has published guidance with the purpose of helping local authorities respond to the information provided to them by landlords and creditors under Section 11. Under section 37 of the Housing (Scotland) Act 1987 and section 79 of the Housing (Scotland) Act 2001 this is statutory guidance to which local authorities should have regard when carrying out their

legislative duties. Separate non-statutory guidance notes have been prepared for private sector landlords, social landlords and creditors.

3. Proceedings for possession

- 3.1 Proceedings for possession means, any proceedings in which a decree of removing or warrant of ejection or other like order is sought. The raising of proceedings in a court is required in order to lawfully evict a tenant in the social sector (under the Scottish Secure Tenancy regime) and in the private rented sector (under the protected and statutory, and assured and short assured tenancy regimes).
- 3.2 The duty is to give notice whenever proceedings are **raised** for possession in a court of law. Generally this is done by a solicitor acting on behalf of a landlord. The duty does not apply in cases where the tenancy ends routinely without recourse to legal action – this can happen in the private sector with the routine ending of a six month short assured tenancy, or in the social sector by the tenant giving notice to the landlord.
- 3.3 The duty does not apply until proceedings for possession are actually raised. Private sector landlords therefore do not legally need to notify the local authority when they serve an AT6 form or a section 33 notice (under the Housing (Scotland) Act 1988) on the tenant as these indicate only an intention to commence proceedings, not the actual raising. However, within the context of developing closer working relationships it is open to local authorities and landlords to consider the benefit of developing protocols around the exchange of information at these points also.

4. Use of information

4.1 Data Protection Act 1998

The Data Protection Act 1998 governs the way by which the Moray Council obtains, records, stores, uses and destroys information. The Moray Council will comply with all of the requirements of the Act and will ensure that personal data is processed fairly and lawfully, is used for the purpose for which it was intended and that only relevant information is

used. The Council will ensure that all information held is accurate, and where necessary kept up to date and that appropriate measures are taken which will prevent the unauthorised or unlawful use of any personal information provided.

5. Freedom of Information

5.1 Freedom of Information (Scotland) Act 2002

The Freedom of Information (Scotland) Act 2002 provides, “a right of access by the public to information held by public authorities.” In accordance with Section 1 of the Act, the general entitlement is that a “person who requests information from a Scottish public authority which holds it, is entitled to be given it by the authority”. Information that a person is entitled to, is the information held by the public authority at the time that the request is made. However, there are exemptions to this ruling to ensure that ‘personal data’ is not disclosed in breach of the Data Protection Act 1998.

6. Equal opportunities

6.1 The Moray Council will ensure the promotion of equal opportunities by publishing information and documentation in different formats/languages as required. The Council will ensure that no individual is discriminated against on the grounds of sexual or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinion. All communication with customers will be in 'plain language'.

6.2 The Council will make appropriate arrangements for communicating with customers who have special needs, such as people with sight, hearing or learning difficulties, for example, by using signers. Where relevant, staff will refer to the Moray Council's Staff Guide to Interpretation and Translation Services.



Procedure for Section 11

7. Section 11 Notices

7.1 The notice given to the local authority is prescribed by the Notice to Local Authority (Scotland) Regulations 2008. These regulations provide guidance and the two different forms to be used by a landlord and a creditor. The names of these forms are:

- notice by landlord (either RSL or private landlord) of proceedings for possession ([Document 1](#)); and
- notice by creditor of ([Document 2](#));
- service of calling-up notice/notice of default, or
- application to court for a warrant to exercise remedies on default, or
- proceedings to eject proprietor.

It should be noted that Guidance states that the form of notice is set out in Regulations and cannot be amended by landlords or local authorities.

7.2 The notice from a landlord requires the following information:

- name, address and contact details of the landlord;
- name and address of the landlord's legal representatives;
- landlord registration number (if a private landlord);
- name and full postal address of tenant;
- date of raising proceedings
- court in which proceedings have been raised (if known); and
- the enactment under which proceedings have been raised.

7.3 The notice from a creditor requires the following information:

- name, address and contact details of the creditor;

- name and address of the creditor's legal representatives;
- name of debtor/proprietor;
- full postal address of property;
- date of the standard security;
- date of calling up notice/notice of default or raising of proceedings; and
- court in which application made or proceedings raised.

7.4 The information required under the notices does not include household composition. Data Protection legislation prevents personal data being passed on for a purpose other than that for which it was collected.

7.5 The notice can be sent by:

Email	Housing.support@moray.gov.uk
Post	The Housing Options Team Housing & Property PO Box 6760 Elgin IV30 9BX

7.6 The timing of the notification to local authorities is linked to the serving of certain notices by the creditor/RSL/landlord and court action being raised. Notification should be sent to local authorities at the same time as, or as soon as possible after, these actions are taken.

7.7 The section 11 duty is to notify the local authority when proceedings for possession are **raised** in court. This is the point at which the summons/initial writ is submitted to the court.

8. Receipt of a Section 11 notice

8.1 The on duty advisor will deal with Section 11's received by email, letter or Lagan.

9. Initial response to a Section 11 notice

9.1 The Housing Options Advisor will acknowledge receipt of the Section 11 notice within 5 days, by email as follows:

1. Click into the document (PDF or word) copy, hit reply, paste into reply document and insert the following:

- Good Morning/Afternoon

Please accept this email as acknowledgement of the attached notice

Regards

Your name

Example

image removed as contains personal information

9.2 On receipt of a Section 11 notice by mail, the Housing Options Advisor will:

- scan and send the notice to his/her inbox;
- obtain the e-mail address either from the notice or from the notifying company's website; and
- respond to the notice, as detailed at section 9.1.

10. Background checks

10.1 The Housing Options Advisor will check the following and ensure that if the Section 11 notice is in joint names, he/she will search for **every** party.

World

- check allocations and identify if the name person has either a housing or homeless application
- check the information and advice module to establish if the person has already been referred to the Housing Options Team
- Where there is a closed Section 11 case, this can be re-opened if the notice is from the same landlord/lender.
- Where there is an open advice case, a Section 11 strand can be added.

Apply4Homes

- check and where possible determine the person's date of birth and contact details.

10.2 Where it has been established that the person has had a housing or homeless application, a post closure file note must be created stating that the Section 11 notices has been received. The customer reference details can be used when creating their new housing advice case.

10.3 If there is an existing record on the *World* Housing Advice module, the Housing Options Advisor will check and clarify if the notice is for the same property and from the same lender. Once this is established, the Housing Options Advisor will re-open, update and amend the original record accordingly. If there are any noted changes, it may be that the property is owned, sublet or subject to a second charge and a new record must be created. The Housing Options Advisor must record all actions on the *World* Housing Advice module.

11. Create a new record on *World*,

11.1 The Housing Options Advisor will

- 1 select Housing Advice

Northgate Housing

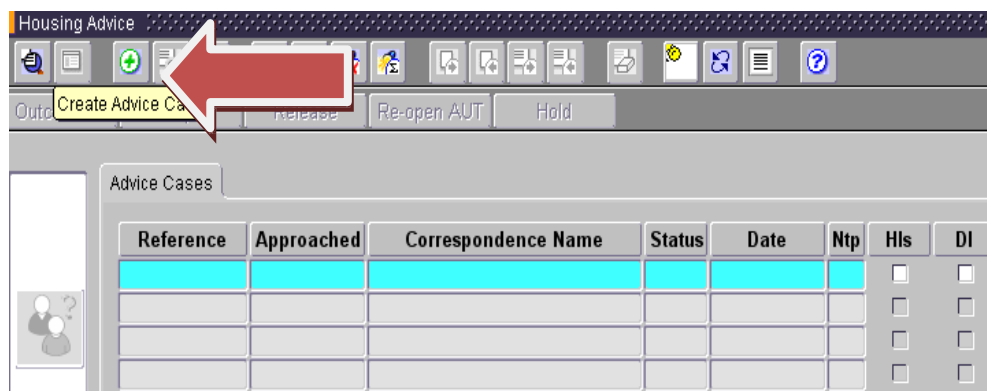
Estates
Allocations
Housing Advice
General Enquiry



2. select advice cases



3. click green cross, create advice case



- Complete the case details tab from the information provided on the Section 11, next opens up case people tab

The screenshot shows the 'Create Advice Case' window with the 'Case Details' tab selected. The form contains the following fields and values:

- Approach Date: 01-APR-2014
- Approach Method: SECTION11 (with a text field containing 'Section 11')
- Admin Unit: HNOPTIONS (with a text field containing 'HOUSING NEEDS OPTIONS TEAM')
- Start Time: (empty)
- Homeless Ind:
- Expected Hls Date: (empty)
- Case Priority: ROUTINE (with a text field containing '28 Day Target')
- Casework Type: ADVICE (with a text field containing 'Advice Only')
- Alt Reference: (empty)
- Comments: (empty)
- Client Name: (empty)

At the bottom of the window are buttons for 'Previous', 'OK', 'Cancel', 'Apply', and 'Next'.

The screenshot shows the 'Case People' tab. It features a table with the following columns: Cli, Jt, Name, DOB, Gender, and Rel. The first row is highlighted in cyan, and a red arrow points to the Name field. Below the table are fields for Language, Geographic, and Ethnic Origin, a Comments text area, and an 'Update Person' button.

Cli	Jt	Name	DOB	Gender	Rel
<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>				

- Click into name arrow to open person search

Results Details Tenancies Applications Adv Case Actions Duplicates

Surname	Prefix	Forename	Title	DoB	Sex	M/D	Hist	Cur	Ten	App
							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Addresses

Usage	Address	Start Date	End Date	Sel
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

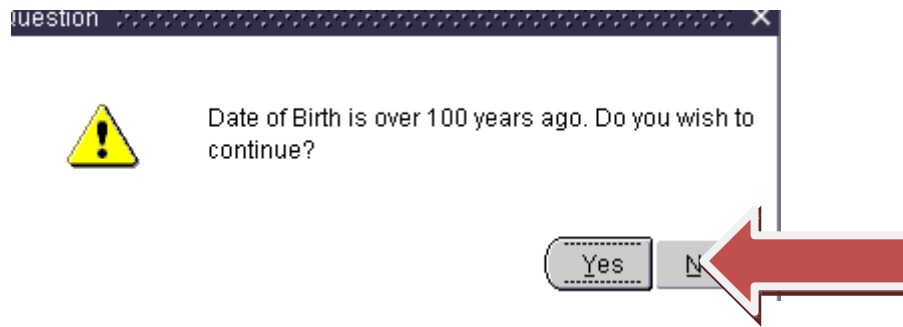
6 If there is no match, click create person

Create Person Update Usage Update Address Update Usage

image removed as contains personal information

- Complete person details tab and use **DOB 01 Jan 1800** (default DOB date used until correct can be established)

11. A warning will show on a new record, select yes



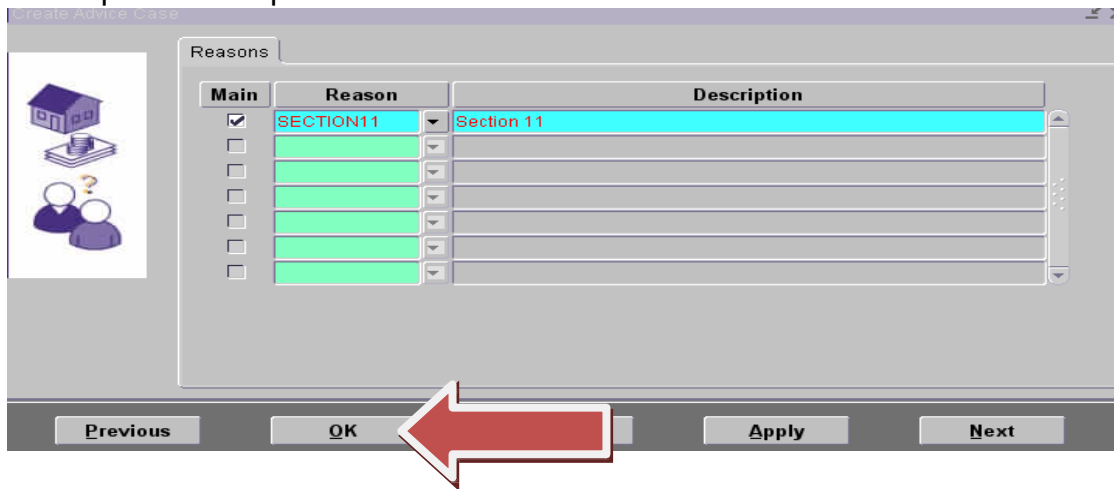
12. A new record has now been created, click OK

image removed as contains personal information

13. Case people tab, click next

image removed as contains personal information

14. Expand correspondence name and next



15. Reason for approach, click on arrow and select Section 11 and OK

image removed as contains personal information

16. The case is now created. The Housing Needs Advisor must complete the responses and casework events tab within the record

12. Input information on World

1. Click Links and second down – MAINTAIN ADVICE CASE DETAILS

image removed as contains personal information

2. Click on the reasons tab

image removed as contains personal information



3. Click on details button

image removed as contains personal information

4. Update

image removed as contains personal information

5. Copy details from the notice into Response.

Note: D=Date; C=click on arrow & select; T-free text

Question	Type	Req	Response
Notice Date (As per Section 11 notification)	D	<input type="checkbox"/>	01-APR-2014
Creditor Type	C	<input checked="" type="checkbox"/>	CREDITOR
Creditor Name	T	<input checked="" type="checkbox"/>	USA MORTGAGE
Creditor Full Address	T	<input checked="" type="checkbox"/>	THE WHITE HOUSE
Landlord Registration Reference	T	<input type="checkbox"/>	
Property Full Address	T	<input checked="" type="checkbox"/>	M.C.A 80 HIGH STREET
Tenancy or Reg Date	D	<input checked="" type="checkbox"/>	01-JAN-1990

Additional Response:

Information Location: >> Go

Buttons: Previous, OK, Cancel, Next

6. Click into Casework Events tab

image removed as contains personal information



7. Create

image removed as contains personal information

8. Click Event Type, scroll down to Section 11 Acknowledgement; today's date & direction indicator- Outgoing

The screenshot shows a software window titled "Create Casework Event". The window contains a form with the following fields and values:

- Case Ref: 2941
- Reason: SECTION11
- Event Type: S11ACKNOW (highlighted in green)
- Event Date: 01-APR-2014
- Event Time: 11:04
- Text: (empty text area)
- Direction Ind: Outgoing (highlighted in green)
- Client Involved Ind:
- Direct Intervention Ind:
- Event Duration: (empty text box)
- Review Date: (empty text box)

At the bottom of the window, there are four buttons: "Previous", "OK", "Apply", and "Next". The "OK" button is highlighted with a red arrow pointing to it from the right.

Red arrows also point to the "Event Type" dropdown menu and the "Direction Ind" dropdown menu.

9. The Section 11 has now been created in World Housing Advice module

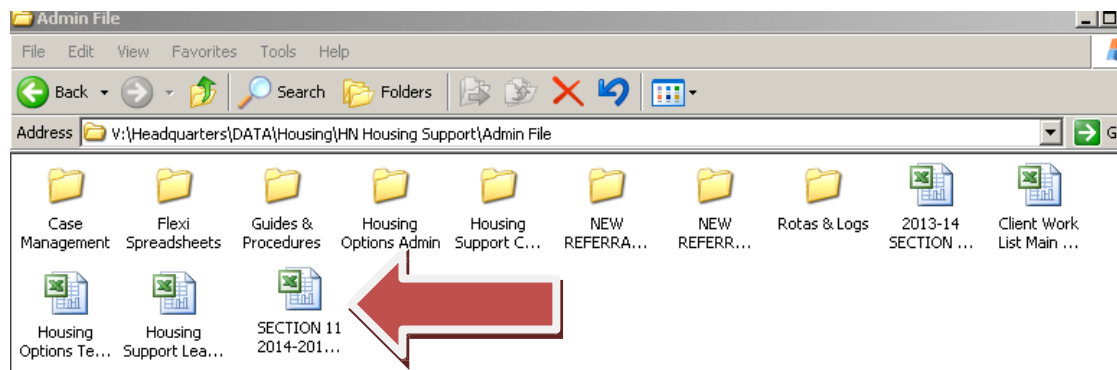
image removed as contains personal information

13. VISIT spreadsheet

13.1 The Housing Options Advisor will copy the information to the

1. Section 11 visit spreadsheet:

V:\Headquarters\DATA\Housing\HN Housing Support\Admin File



2. Copy and paste details from the iWorld case into this spreadsheet to allow the Housing Options Officer to diarise visits.

image removed as contains personal information

13.2 The Housing Options Officer will ensure that the process and visits are managed in accordance with specified timescales. Visits will be allocated where possible to make best use of resources e.g. location and times. Where follow up actions are required, they must be diarised in the Section 11 Visit Spreadsheet and the iWorld case.

14. Initial contact with person(s) named in the notice

14.1 The Housing Options Advisor will, within 3 working days of receipt of the notice, write to the tenant/owner, offering advice and assistance

[Document 3](#)/ [Document 4](#)/ [Document 5a](#)/ [Document 5b](#)

14.2 The Housing Options Advisor will include the Section 11 leaflet (appropriate to the sector):

[Homeowners](#)

[Social tenants](#)

[Private tenants](#)

14.3 Scottish Government guidance emphasises that, “the information received via the notice will necessarily be limited; the requirement to pass the information contained in the form of notice is set out in law; as such, data protection rules regarding disclosure to a third part do not apply.

Authorities may wish to find out more about the household and the circumstances surrounding the action taken by the landlord or creditor”

The Housing Options Advisor will attempt where possible to contact the RSL/private landlord to secure additional information e.g. the circumstances surrounding the court action, clarification of the contact details, where possible phone numbers & email details identification of the household members, including those who may be vulnerable.

Landlords and creditors are not obliged to divulge any additions information and may require information sharing consent to be signed by the tenant or borrower before they will discuss cases.

15. Create a SharePoint document set

15.1 The Housing Options Advisor must log on to SharePoint and establish if there is already a record on the HS document set. Where there is an open document set proceed to section 16 ([Sharepoint issue template letter](#))

15.2 If no record is found the Housing Options Advisor will create a document set for first named client with as much info as possible (N.B most of the time there is no date of birth).

15.3 To create a new Document Set, the Housing Options Advisor will:

1. Open up SharePoint, click Document Centre tab



2. Click on Housing Needs



3. Click onto arrow down at New

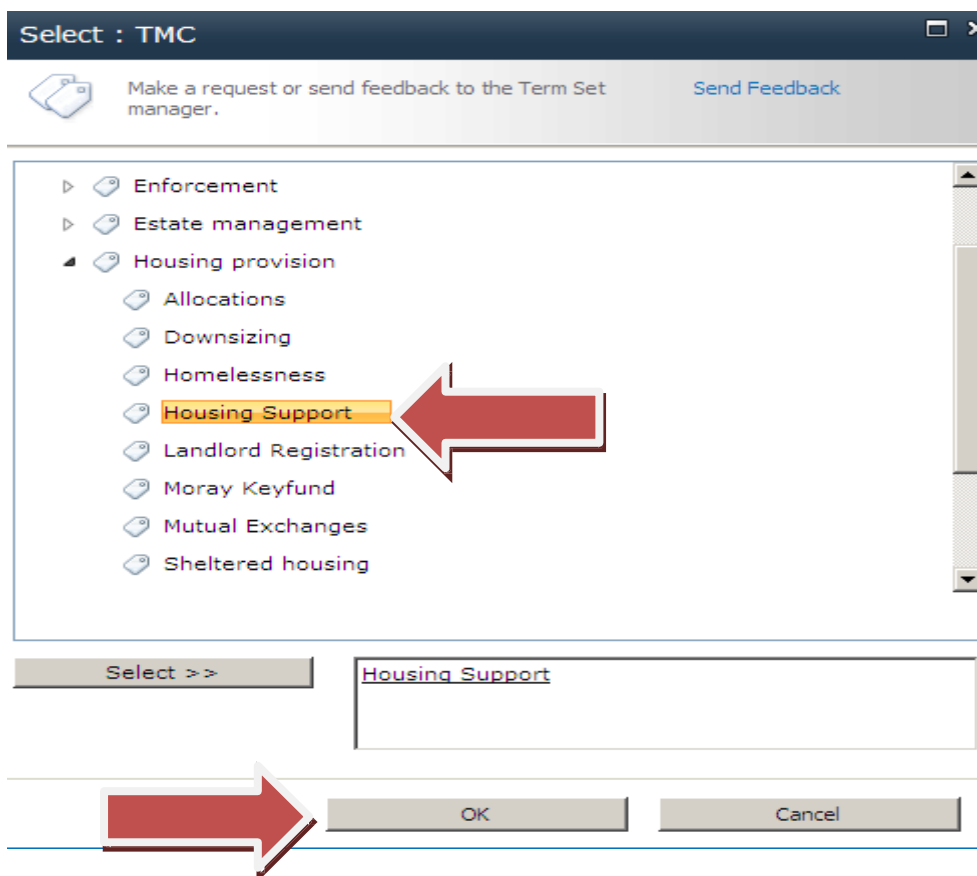
image removed as contains personal information

4. Complete details & click on tabs

4. Complete in capitals-SURNAME-FIRST NAME-DATE

image removed as contains personal information

5. Click the arrow to the side of Housing provision, Highlight Housing Support & click select & OK



15.4 HS Document set created

These details allow Housing Options Adviser to:

- file & save the Section 11 notice into their "My Documents" with;

- name & description e.g. calling up notice-eviction etc.
- download the document onto SharePoint & save.
- delete the copy saved in “My Documents”.

15.5 Ensure that all documents used are created using the document from relevant templates stored on SharePoint. Following completion of letter, the Housing Support Assistant will ensure that a copy is saved on the HS document set on SharePoint as follows:

16. SharePoint –issue template letter

16.1 To find template letter on SharePoint

1. Click on Documents tab

image removed as contains personal information



2. Click yellow star on new Documents

image removed as contains personal information



3. Click browse, this will allow the Housing Needs Advisor to upload the saved documents in their “my documents” and click OK

image removed as contains personal information

4. Allow time for the file to load & click save

image removed as contains personal information

5. The front screen should look like this

image removed as contains personal information

6. Go back into Documents & click arrow at New Documents.

This opens access to the template letters

- HS 1st contact creditor
- HS 1st contact DIO
- HS 1st contact private landlord
- HS 1st contact RSL
- HS Letter to tenants of sublet

image removed as contains personal information

16.2 The Housing Options Advisor will complete the template letter with details from the notice, print, close, name & save. On completion SharePoint document set will show notice received and letter issued.

image removed as contains personal information

17. Notification from a creditor

17.1 If the notice is received from mortgage lender, the Housing Options Advisor will contact Council Tax and attempt to confirm if the property is the owner's principal home (i.e. are they the named person for the address on the Council Tax register).

- 17.2 If the owner is not on the Council Tax register, the property may be rented out and the tenants may be at risk of homelessness without their knowledge. The Housing Options Advisor will:
ask Council Tax to provide the details of the person resident in the property; and check the landlord registration website (www.landlordregistrationscotland.gov.uk) to establish if the owner is a registered landlord.
- 17.3 In the event that the owner is not a registered landlord, the Housing Options Advisor will forward the details to the landlord registration team for further investigation.
- 17.4 Where it is established that the owner does not occupy the property as their principal home but rents it out, details must be recorded in the Section 11 advice case. **Document 6** will be sent to the tenants offering appropriate advice and assistance, including signposting to other agencies such as CAB.

18. Notification from a RSL

- 18.1 Social landlords have a key role in alleviating and tackling homelessness. There is a presumption that landlords should do all they can to prevent arrears arising and to recover them when they do. This combined with the high cost associated with the eviction process means that eviction action is normally only used as a last resort.
- 18.2 Although there are no direct sanctions against non-compliance with the duties under Section 11, failure to comply with the duty may impact on landlords in other ways, such as through the regulatory process and relationships with local authorities. RSLs are therefore more likely to engage with local authorities with Section 11 processes.

- 18.3 The Housing Options Advisor will inform the RSL that contact has been made with the tenant and will state what intervention action, if any, has been taken ([Document 7](#))

All actions must be documented within iWorld case

19. Notification from a private landlord

- 19.1 Section 11 notices received from the Defence Infrastructure Organisation Operations Accommodation (formerly Defence Housing Executive) should be recorded and processed as notification by a private landlord.**

- 19.2 Private rented sector landlords do not need to notify the local authority when they serve an AT6 or a Section 33 notice to the tenant as these notices only inform of an intention to raise proceedings for possession.

- 19.3 The Housing Options Advisor will inform the landlord if contact has been made with the tenant and will state what intervention action, if any, has been taken ([Document 7-DIO](#)) All actions must be documented within the case in iWorld.

- 19.4 When notice is received from a private landlord, the Housing Options Advisor will check the landlord registration website (www.landlordregistrationscotland.gov.uk) and establish if the landlord is registered. In the event that the landlord is not registered see 17.2 and 17.3

20. Telephone contact

- 20.1 If after five working days, the person named on the Section 11 notice has not responded to attempts to contact them, the Housing Options Advisor will phone them (if the phone number is known e.g details current apply4homes case; phonebook).

This action must be logged in the iWorld case notes.

20.2 If the customer responds to the letter/pack, a follow up visit is not necessary. The advisor should follow responsibilities at point 22.2

21. Home visits and guidance

21.1 Individual staff will receive emails from the Housing Options Officer listing cases/visits they are to undertake. A visit should occur 2-4 weeks after the letter is sent to give a reasonable opportunity for the customer to respond. This timescale may vary and an upper limit of 6 weeks should be observed.

21.2 Using the information available, the Housing Options Advisor will use best endeavours to visit the person at a time when they are most likely to be available. For example, a visit may be carried out before or after office hours. In such instances, staff must follow the corporate [Lone Working guidance](#). Where necessary, staff must carry out joint visits.

21.3 Home visit to be noted in Section 11 iWorld Case with review Date for follow up or closure.

21.4 If the person is available, the Housing Options Advisor will:

- Ask for the relevant person(s) as named on notice or known occupant (s) if sublet.
- Advise a letter and pack has already been issued, provide basic explanation of service
- Explore what steps the customer wishes to take recommending a housing options meeting where possible.
- If accepted ask customer to complete the data sharing consent form ([Document 8](#)) include contact details e.g. date of birth, household, phone & email details to allow us to contact on return to office and arrange an interview.

image removed as contains personal information

21.5 All actions and any outcomes must be logged in iWorld case notes.

21.6 If there is no response when the Housing Support Assistant calls, he/she will leave a calling card, requesting that the person contact the service within 7 days. This must be logged on the Section 11 iWorld case and a review date set for follow up/closure.

21.7 If there is no response to this contact after 60 days or the person refuses to engage, the Housing Options Officer will record the outcome- No Response from Client and close. (NB. These cases can be re-opened at any time, should further correspondence be forthcoming)

22. Outcomes-No response from client

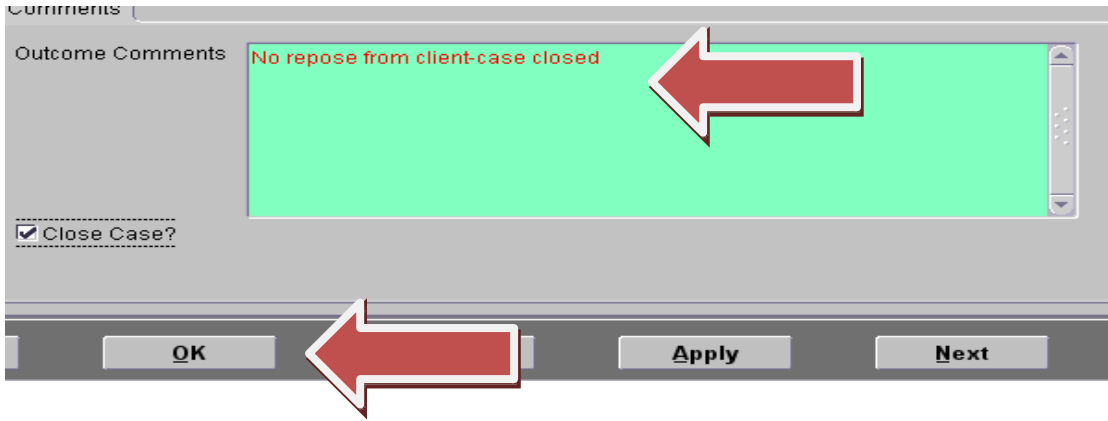
22.1 No response

1. Click Outcomes tab
2. Click arrow down

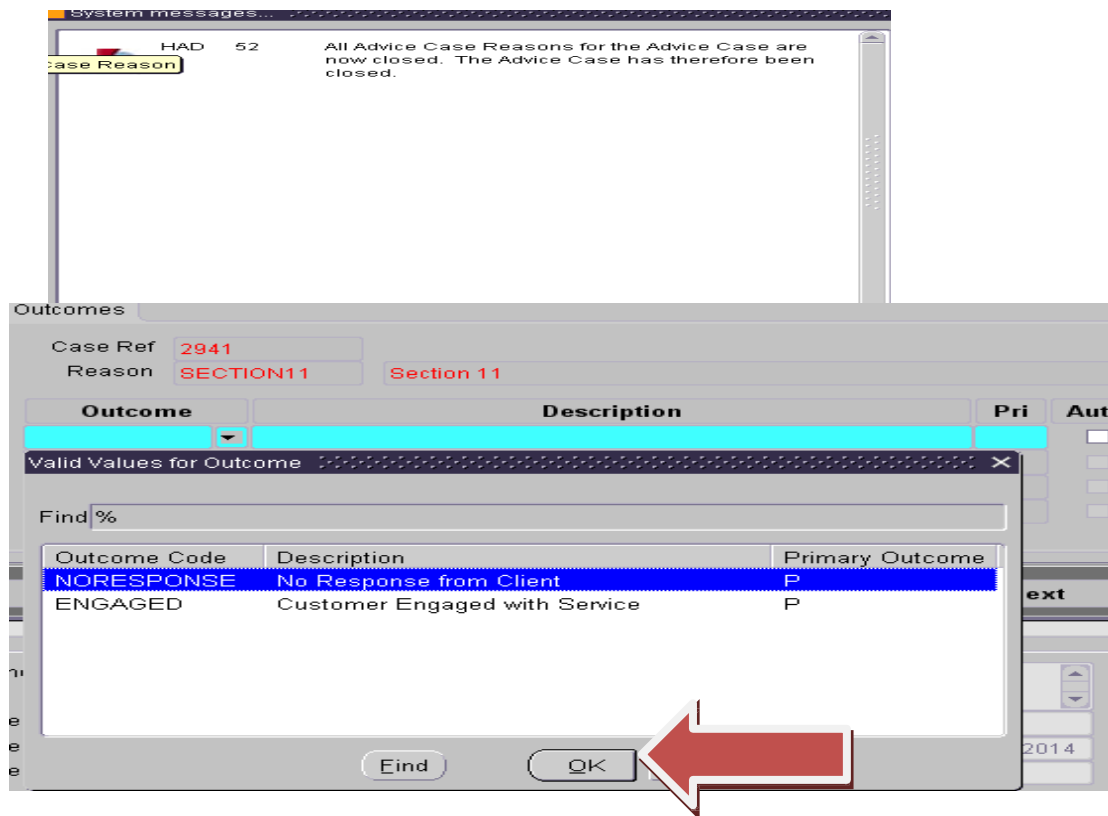
The screenshot shows a software window titled "Create Advice Reason Outcome". On the left is an icon of a house with a question mark. The main area has a tab labeled "Outcomes". Below the tab, there are two input fields: "Case Ref" with the value "2941" and "Reason" with the value "SECTION11". To the right of "Reason" is a text field containing "Section 11". Below these fields is a table with four columns: "Outcome", "Description", "Pri", and "Auth". The first row of the table is highlighted in cyan and has a red arrow pointing to it. The other three rows are highlighted in light green. At the bottom of the window are five buttons: "Previous", "OK", "Cancel", "Apply", and "Next".

Outcome	Description	Pri	Auth
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

3. Highlight No response from Client & OK
4. Add Outcome Comments, tick Close Case & OK



5. Click OK & case closed.



23. Outcomes-Response from contact

23.1 Where the named person on the notice responds to contact made, advising they do not require the Housing Options Team help (e.g. repayment plan already in force, problem sorted) this must be recorded in iWorld as:

1. Customer Engaged with Service, note details provided and close case

image removed as contains personal information


2. Highlight engaged with services tab

Outcomes

Case Ref

Reason

Outcome	Description	Pri	Auth
ENGAGED	Customer Engaged with Service	P	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

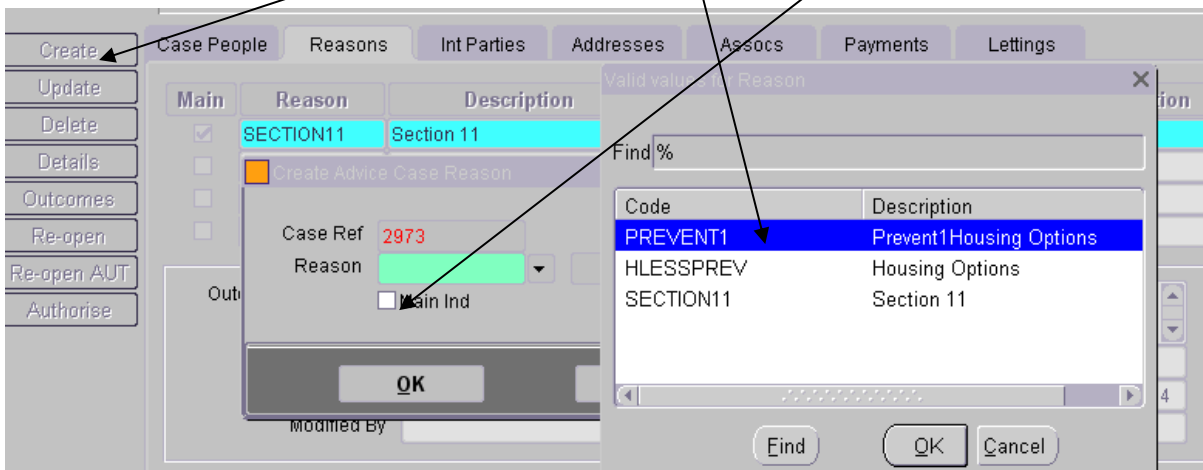


3. Close Case

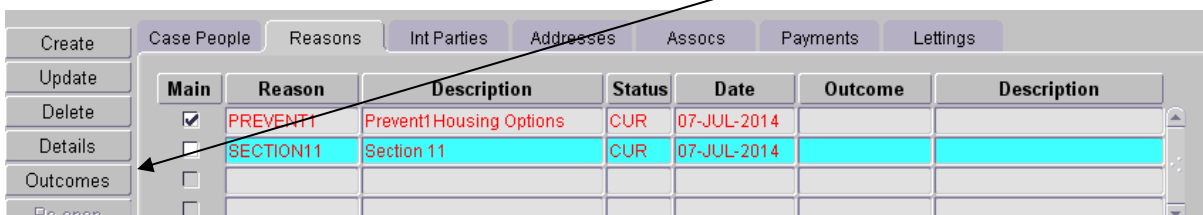
24. Create a Prevent 1 strand

24.1 Should the customer arrange an interview the Housing Options Advisor will create a new Main Indicator strand PREVENT1 within the original section 11 case

1. click create; reason prevent1 & tick main indicator & OK



2. highlight Section 11 strand & outcomes



3. Customer engaged with service

Case Ref

Reason

Outcome	Description	Pri	Auth
ENGAGED	Customer Engaged with Service	P	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

- complete outcome comments & tick close case

image removed as contains personal information

- this now shows closed Section 11 strand & open Prevent1Housing Options strand

image removed as contains personal information

25. Emergency interview

Where relevant and if necessary, a housing options interview may be completed in accordance with the housing options procedure. Due to the short timescales, if the repossession action cannot be delayed or prevented, a housing options interview should be arranged for that day or the next working day. The Housing Options Advisor will review the case history and provide advice and information appropriate to the person's circumstances, signposting on to the relevant agencies Money Advice service, CAB and other free financial support agencies. All events recorded in the *World* case notes.

26. Referrals to other agencies

26.1 Where relevant, the Housing Options Advisor may refer the person named in the Section 11 notice to other services and agencies for advice and assistance. For example, if it has been clarified that Section 11 notice relates to rent or mortgage arrears, the Housing Options Advisor can offer a referral to the CAB and money advice agencies.

26.2 The Housing Options Advisor will request that the service update the Housing Options Advisor of any progress made with engaging with the named person. The referral, the date, responses returned and any additional notes must be logged on the Section 11 *World* case.

Where housing support is required to assist the household to sustain their accommodation, the Housing Options Advisor will complete a referral to the Tenancy Sustainment Team.

1. This must be logged on the Section 11 *World* case.
2. Open client named SharePoint document set, Referral template available to complete, email and save.

27. Monitoring

27.1 Number of notifications received, by sector; and
Final outcomes for section 11 referrals who sought advice from the Housing Options Team

Document 1

HOMELESSNESS ETC (SCOTLAND) ACT 2003

SECTION 11 NOTICE BY LANDLORD OF PROCEEDINGS FOR POSSESSION

To: **The Moray Council**

Take note that proceedings have been raised as detailed below.

Name and address of landlord who has raised proceedings:

Name and address of landlord's legal representatives:

Contact telephone number of landlord:

Landlord registration reference:

Name of tenant/s against whom proceedings have been raised:

Full postal address of property that is the subject of proceedings:

Start date of the tenancy:

Date of raising of proceedings:

Court in which proceedings raised:

The legislation under which proceedings are being notified:

<p><i>(Various statutes require notice to be given to a local authority where a landlord has raised proceedings for possession of a house. The table below lists some of the legislation under which such proceedings might be raise for possession of a house; please tick in the appropriate box below which describes the proceedings you have raised) (1)</i></p>	<p>Section 12A(1) (notice to local authority of proceedings for possession of a dwelling-house let on a protected tenancy or subject to a statutory tenancy) of the Rent (Scotland) Act 1984 (c.58). <i>Tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a protected tenancy or subject to a statutory tenancy.</i></p>
<p>(2)</p>	<p>Section 19A(1) (notice to local authority of proceedings for possession of a house let on an assured tenancy) of the Housing (Scotland) 1988 (c.43). <i>Tick this box if you have raised proceedings to recover possession of a dwellinghouse let on an assured tenancy.</i></p>
<p>(3)</p>	<p>Section 14(5A) (notice to local authority of proceedings for possession of a house let on a Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10). <i>Tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a Scottish secure tenancy.</i></p>
<p>(4)</p>	<p>Section 36(6A) (notice to local authority of proceedings for possession of a house let on short Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10). <i>Tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a short Scottish secure tenancy).</i></p>
<p>(5)</p>	<p>Other proceedings for possession of a dwellinghouse. <i>Tick this box if you have raised proceedings to recover possession of a dwellinghouse and none of the above boxes are appropriate. For these purposes a dwellinghouse is any building or part of a building, which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat.</i></p>

Document 2

Section 11 notice-Creditor

HOMELESSNESS ETC (SCOTLAND) Act 2003

SECTION 11 NOTICE BY CREDITOR OF:

SERVICE OF CALLING-UP NOTICE/NOTICE OF DEFAULT

APPLICATION TO COURT FOR A WARRANT TO EXERCISE REMEDIES ON DEFAULT

PROCEEDINGS TO EJECT PROPRIETOR

To: **The Moray Council**

(Delete any of the following 3 statements if it is not applicable.)

Take note that a calling up notice/notice of default has been served as detailed below.

Take note that an application to court has been made as detailed below for a warrant to exercise remedies on default.

Take note that proceedings to eject a proprietor have been raised as detailed below.

(Please give the following information)

Name and address of the creditor:

Name and address of the creditor's legal representatives:

Contact telephone number of the creditor:

Name of debtor/proprietor:

Full postal address of property referred to in the calling-up notice/notice of default or application or proceedings:

Recording/registration date of the standard security (if applicable):

Date of calling-up notice/notice of default or application or raising of proceedings:

Court in which application made or proceedings raised:

Note to creditor

This form of notice must be used to give notice to a local authority where a creditor has served a calling-up notice or notice of default or has applied to court for a warrant to exercise any of the remedies which can be exercised on default of a standard security, or for a warrant for sale or has raised proceedings to eject a proprietor.

A "calling-up notice" is a notice described in section 19 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor in a standard security requiring discharge of the debt secured.

A "notice of default" is a notice described in section 21 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor calling on a debtor to remedy a default.

The remedies which a creditor is entitled to exercise when a debtor is in default are described in Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970. In terms of section 24 of that Act a creditor may apply to court for a warrant to exercise those remedies.

Proceedings to eject a proprietor are raised under section 5 of the Heritable Securities

(Scotland) Act 1894 and must be notified to the local authority by virtue of section 4(4) of the Mortgage Rights (Scotland) Act 2001.

Document 3
First contact creditor



ENVIRONMENTAL SERVICES

Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Telephone: 0300 1234566

<insert name>
<insert address>
<insert address>
<insert postcode>

Email: housing@moray.gov.uk
Website: www.moray.gov.uk

Richard Anderson
Head of Housing and Property

Insert Date

Dear <insert name>

Contact us now. We can help you.




Your mortgage lender has told us that they have started legal proceedings to recover possession of your home.

It is not too late for you to take action. It is important that you get help as soon as possible so that you do not become homeless. Once a lender has started repossession action, it is very difficult to stop.

You may find yourself in arrears for all sorts of reasons. You may find it difficult to sort your financial problems. We have a specialist Housing Options Team who can give you advice and help. We can also refer you to a money advisor, who can:

- tell you if you are eligible for any benefit assistance. For example towards your mortgage interest;
- negotiate with your lender to see if any way can be found to halt the process; and
- work together with partner agencies to try to prevent the loss of your home.

You can also get free and impartial advice from the following agencies:

Moray Citizens Advice		01343 550088
		bureau@moraycab.casonline.org.uk
Shelter Scotland		0808 800 4444



scotland.shelter.org.uk

You can apply to us for housing. However if you are evicted, under homelessness law, you may be considered to have made yourself intentionally homeless. If this happens, it means that we **do not** have to find you permanent accommodation. If you have nowhere else to stay we may find you temporary accommodation for a short time.

I have enclosed our leaflet “Keeping your home and where to get advice – information for home owners”. This tells you what you can do to prevent homelessness and where you can get free legal advice and assistance and support for any other problems you might have.

Do not ignore this letter. Please contact the Housing Options Team, as soon as possible, using the details given above to discuss your options.

Yours sincerely

<insert name>
Housing Options Team

Document 4
First contact RSL



ENVIRONMENTAL SERVICES

Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Telephone: 0300 1234566

<insert name>
<insert address>
<insert address>
<insert postcode>

Email:
housing@moray.gov.uk
Website:
www.moray.gov.uk

Richard Anderson
Head of Housing and
Property

Insert Date

Dear <insert name>

Contact us now. We can help you.

Your landlord <insert name of RSL> has told us that they are taking court action to evict you and recover possession of your home.

It is not too late for you to act. You should get help straight away. The quicker you act, the more likely you are to keep your home and avoid becoming homeless.

We have a specialist Housing Options Team who can give you advice and help with difficulties that you have with your tenancy. We can refer you to other services, such as a money advisor, who can make sure that you are getting your full benefit entitlement and we can review the other housing options available to you.

You can also get free and impartial advice from the following agencies:

Moray Citizens Advice	 01343 550088
	 bureau@moraycab.casonline.org.uk
Shelter Scotland	 0808 800 4444
	 scotland.shelter.org.uk

You can apply to us for housing. However if you are evicted, under homelessness law, you may be considered to have made yourself intentionally homeless. If this happens, it means that we **do not** have to find you permanent accommodation. If you have nowhere else to stay we may find you temporary accommodation for a short time.

I have enclosed our leaflet “Keeping your home and where to get advice – information for social tenants”. This tells you what you can do to prevent homelessness and where you can get free legal advice and assistance and support for any other problems you might have.

Do not ignore this letter. Please contact the Housing Options Team, as soon as possible, using the details given above to discuss your options.

Yours sincerely

<insert name>
Housing Options Team

Document 5a

First contact Private Landlord



ENVIRONMENTAL SERVICES

Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Telephone: 0300 1234566

Email: housing@moray.gov.uk
Website: www.moray.gov.uk

<insert name>
<insert address>
<insert address>
<insert postcode>

Richard Anderson
Head of Housing and Property

Insert Date

Dear <insert name>

Contact us now. We can help you.

Your landlord <insert name of private landlord> has told us that they intend to start legal action to evict you and recover possession of your home.

Your landlord will already have informed you that they are taking action to recover possession of your home. This means that if you don't act now, you may become homeless.

It is important you try to get help as early as possible so that you don't become homeless. We have a specialist Housing Options Team who can help you by:

- talking with your landlord and try and stop you from being evicted;
- working with the Department for Work and Pensions (DWP) and any other organisations to help process applications for Local Housing Allowance (LHA) and other benefits more quickly; and
- working together with partner agencies in cases of harassment and illegal eviction.

You should contact your landlord and see if there is anything that can be done to avoid the case going to court.

We can refer you to other services such as money advisor who can make sure that you are getting your full benefit entitlement and we can review the other housing options available to you.

You may also want to get independent legal advice. You can get free and impartial advice from the following agencies:

Moray Citizens Advice		01343 550088
		bureau@moraycab.casonline.org.uk
Shelter Scotland		0808 800 4444
		scotland.shelter.org.uk

You can apply to us for housing. However if you are evicted, under homelessness law, you may be considered to have made yourself intentionally homeless. If this happens, it means that we **do not** have to find you permanent accommodation. If you have nowhere else to stay we may find you temporary accommodation for a short time.

I have enclosed our leaflet “Keeping your home and where to get advice – information for private tenants”. This tells you what you can do to prevent homelessness and where you can get free legal advice and assistance and support for any other problems you might have.

Do not ignore this letter. Please contact the Housing Options Team, as soon as possible, using the details given above to discuss your options.

Yours sincerely

<insert name>
Housing Options Team

Document 5b
First contact DIO



ENVIRONMENTAL SERVICES

**Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX**

Telephone: 0300 1234566

**Email: housing@moray.gov.uk
Website: www.moray.gov.uk**

<insert name>
<insert address>
<insert address>
<insert postcode>

Richard Anderson
Head of Housing and Property

Insert Date

Dear <insert name>

Contact us now. We can help you.

Your landlord, Defence Infrastructure Organisation (DIO) Operations Accommodation, has told us that they intend to start legal action to evict you and recover possession of your home.




DIO Operations Accommodation will already have informed you that they are taking action to recover possession of your home. This means that if you don't act now, you may become homeless.

It is important you try to get help as early as possible so that you don't become homeless. We have a specialist Housing Options Team who can help you by:

- talking to your landlord and try and stop you from being evicted;
- review and discuss the housing options you have;
- refer you to other agencies and services who may be able to give you advice and assistance.

You should contact DIO Operations Accommodation and see if there is anything that can be done to avoid the case going to court.

You may also want to get independent legal advice. You can get free and impartial advice from the following agencies:

Moray Citizens Advice		01343 550088
		bureau@moraycab.casonline.org.uk
Shelter Scotland		0808 800 4444
		scotland.shelter.org.uk

You can apply to us for housing. However if you are evicted, under homelessness law, you may be considered to have made yourself intentionally homeless. If this happens, it means that we **do not** have to find you permanent accommodation. If you have nowhere else to stay we may find you temporary accommodation for a short time.

I have enclosed our leaflet “Keeping your home and where to get advice – information for private tenants”. This tells you what you can do to prevent homelessness and where you can get free legal advice and assistance and support for any other problems you might have.

Do not ignore this letter. Please contact the Housing Options Team, as soon as possible, using the details given above to discuss your options.

Yours sincerely

<insert name>
Housing Options Team

Document 6

Letter to tenants of sublet property



ENVIRONMENTAL SERVICES

**Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX**

Telephone: 0300 1234566

**Email: housing@moray.gov.uk
Website: www.moray.gov.uk**

**<insert name>
<insert address>
<insert address>
<insert postcode>**

Richard Anderson
Head of Housing and Property

Insert Date

Dear **<insert name>**

We have been told that the property that you live in is subject to court action. If this happens your home may be repossessed and you may become homeless.

It is important you try to get help as soon as possible so that you don't become homeless.


We have a specialist Housing Options Team who can help you by:

- talking with your landlord and try and stop you from being evicted; and
- reviewing the other housing options available to you.

I have enclosed our leaflet "I need somewhere to live" which tells you what happens if you do find yourself homeless.

You may want to get independent legal advice. You can get free and impartial advice from the following agencies:

Moray Citizens Advice		01343 550088
		bureau@moraycab.casonline.org.uk
Shelter Scotland		0808 800 4444

		scotland.shelter.org.uk
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Please contact the Housing Options Team, as soon as possible, using the details given above to discuss the options available to you.

Yours sincerely

<insert name>
Housing Options Team

Document 7
Update to RSL/DIO



ENVIRONMENTAL SERVICES

Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX

Telephone: 0300 1234566

<insert name>
<insert address>
<insert address>
<insert postcode>

Email: housing@moray.gov.uk
Website: www.moray.gov.uk

Richard Anderson
Head of Housing and Property

20 July 2022

Dear <insert name>

Section 11 notice - <name and address of tenant/s>

Please find below details of the attempts we have made to contact the above tenant(s).

	Tick	Date of action
Phone calls		
Letter		
Home visit		

Delete as appropriate.

<insert name/s of tenant/s> did not respond to the contact.

<insert name/s of tenant/s> responded to my contact. We discussed <insert detail> and agreed the following <insert detail>.

Please keep the Housing Options Team updated with any further action that you take.

Yours sincerely

<insert name>
Housing Options Team

Document 8

Information sharing consent form

Your records and you

We sometimes ask you for information about yourself and your family so that we can make sure that you get the right services. This explains what happens to this information and what your rights are.

Getting your consent

During your contact with us, we will explain how information about you will be used and who we might share it with. We will only share the information (subject to what is said below) with your consent or someone who is entitled to give consent on your behalf. By signing this form, you give us permission to share your information with certain other services and organisations.

If you don't agree for us to share information, it could still be shared for the following reasons:

- if necessary in order for us to carry out our functions;
- if we are legally bound to protect a child, yourself or the public;
- for the prevention and detection of a crime; or
- if we are required to do so by any court or law.

The information we need may include:

- Personal details which include your name(s), address(es) and family details;
- Equalities monitoring information;
- Financial information.

What do we use this information for?

- To help plan services for your future and make sure that the service you get is efficient and effective.
- To account for our decisions and investigate complaints.
- To meet our statutory obligations and to prevent and detect crime.

We know that information you give us may be sensitive and we will respect your confidentiality. We will keep information about you securely, keep it up to date and control who has access to it. We will only keep the information for as long as is necessary. We will only share information where necessary and in line with Data Protection Law.

Here are some examples of who your information may be shared with.

- Within the Council or with government services who provide services to you.
- Your next of kin or main carer, named advocate, enduring Power of Attorney.
- The private and voluntary sectors to deliver some of the services we have assessed a need.
- Immigration Services.

Sometimes, we must pass on information to Central Government Offices, the police and other agencies, in order to help them with their functions and responsibilities. If an organisation is delivering services on our behalf, we would need to share the information with them.

If you have difficulty understanding this document or you want to ask more questions, please ask us. If you want any more information or want to see the information held on you by the Council, please contact:

Information Co-ordinator
 The Moray Council
 High Street
 Elgin, IV30 1BX
 Phone 01343 563110
 Email info@moray.gov.uk

This form records your agreement for us to share information about you. We are asking your explicit consent in compliance with the Data Protection Act 1998.

Consent to share information	
Full name	
Date of birth	
Address	
Phone number	
E-mail	

I confirm that I have read and understood the attached guidance on sharing information. I agree that the personal information I have given (or may give in the future) may be shared in full with (please tick box as appropriate).	
Other services within the Council (including Social Work Services, Home Care, Occupational Therapy, Money Advice, Criminal Justice, D & A Services)	<input type="checkbox"/>
The National Health Service	<input type="checkbox"/>
Police and Prison Services	<input type="checkbox"/>
DWP	<input type="checkbox"/>
Citizens Advice Bureau, , Legal Representatives, Advocacy Services, Voluntary Organisations	<input type="checkbox"/>
Employment support agencies	<input type="checkbox"/>
Utility providers	<input type="checkbox"/>

Please tell us about any person/organisation that you do **not** want us to share information with.

Customer signature

Date

You can choose to share your information with all or some of the organisations. However, if you restrict who we share information with, it may not be possible to provide you with a service.

Staff signature

Date

The Council and our partners will comply with the Data Protection Act 1988 when processing, storing and sharing information. You should tell us immediately if the information you have given changes. This will help us keep the information up to date.